

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RETHINK35, et al.,

Plaintiffs,

v.

TEXAS DEPARTMENT OF
TRANSPORTATION (TxDOT), et al.

Defendant.

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CIVIL ACTION NO. 1:24-CV-00092

**DECLARATION OF CHAS MOORE IN SUPPORT OF PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

I, CHAS MOORE, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would competently testify thereto under oath.

2. I am a resident of the City of Austin, Austin, Travis County, Texas, and I live at 1504 Coriander Drive, Austin, TX 78741. My date of birth is January 7, 1988.

3. I am the Founder and Organizing Director of the Austin Justice Coalition, which has the mission of creating a just and equitable society where historically marginalized communities have the resources, opportunities, and power to thrive. Our work involves dismantling systemic barriers so that Black, Indigenous, and people of color (BIPOC) are no longer disproportionately affected by injustice.

4. As a leader of an organization dedicated to advancing environmental justice, I am concerned about the impact the proposed expansion of I-35 will have on Black and Latino communities in East Austin, which already face disproportionate health challenges caused by decades of systemic environmental inequities.

5. The National Environmental Policy Act mandates that TxDOT take a hard look at all known environmental consequences; however, the NEPA review of I-35 fails to address the environmental health consequences from increased exposure to air toxins associated with highways, such as fine particulate matter (PM 2.5).

6. The Texas Department of Transportation's (TxDOT) blatant disregard for the environmental harm it will impose upon Black and Latino neighborhoods in East Austin is an injustice that cannot be overlooked. By funneling more traffic through the I-35 corridor and widening the highway so that traffic is closer to residents within these neighborhoods, the expansion project will increase air toxins in neighborhoods already burdened with high rates of respiratory diseases and which have already suffered from decades of discrimination enforced by I-35.

7. In 1928, Austin's first comprehensive plan formalized racial segregation by creating a "Negro District," forcing Black residents into East Austin, while white neighborhoods flourished with better infrastructure and city services. The dividing line used was East Avenue, the boulevard that Interstate 35 eventually replaced. Using East Avenue (now, I-35) as the boundary, federal redlining policies denied Black residents access to mortgages and the chance to build generational wealth. This unjust and unconstitutional plan fueled inequalities in health and wealth that still linger today.

8. After Supreme Court cases began dismantling such redlining practices, Austin doubled down on segregation by replacing East Avenue with I-35, displacing minority communities and creating a physical barrier that locked in racial divides. Even now, the effects persist: West of I-35 remains predominantly white, while Black and Latino communities east of the highway face persistent inequities in wealth, health, and opportunity.

9. Following the construction of I-35, neighborhoods along I-35 were exposed to exposed decades of long-term exposure to highway-related air toxins. Much of East Austin, east of I-35 includes historically black neighborhoods, such as Rosewood and Chestnut, which face disproportionately greater risk of experiencing chronic health conditions, such as respiratory and heart diseases. Some of these neighborhoods have asthma rates in 70th to 90th

percentiles nationwide, highlighting the need to carefully study declining air quality in these areas, with environmental justice populations.

10. TxDOT is proceeding with plans that will have a disproportionate impact on environmental justice populations. This pattern of displacing communities of color through eminent domain has occurred repeatedly with this highway, with the vast majority of displacements within historically marginalized neighborhoods. This includes the loss of two federally qualified health care centers. Such actions perpetuate systemic discrimination.

11. Several community-led alternatives to TxDOT's I-35 expansion, including proposals by Rethink35, Reconnect Austin, and others, offered solutions that addressed environmental justice. These alternatives featured narrower highway footprints, improved east-west connectivity, and reduced air pollution in East Austin neighborhoods.

12. Despite their fiscal feasibility and alignment with community needs, TxDOT dismissed these alternatives without full environmental review, prioritizing a pre-determined highway expansion that would double lane miles— despite Austin already having the most lane miles per capita of any Texas city. This approach ignores smarter, more sustainable solutions in favor of outdated, harmful practices that will disproportionately affect communities of color.

I declare under penalty of perjury that the above is true and correct. Dated this 25th day of March, 2025 at Austin, Texas.

/s/ Chas Moore

Chas Moore